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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,973	02/25/2004	Toshiaki Igarashi	03500.100142.	8991

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10104-3800

EXAMINER
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NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

MAIL DATE	DELIVERY MODE
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11/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,973	<b>Applicant(s)</b> IGARASHI, TOSHIAKI	
	<b>Examiner</b> CINDY NGUYEN	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

**This is response to amendment filed 07/09/09.**

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Babu et al. (US 6122639, hereafter Babu).

As to claims 1,2,6,9, 12 and 13, Babu teaches a network device that receives a search request transmitted from a data processing apparatus, performs a search for network devices in response to receiving the search request, and transmits device lists indicating the network devices found by performing the searches to the data processing apparatus, the network device managing apparatus comprising:

a first receiving unit adapted to receive (i.e. HTTP can open/adapted and establish/receive HTTP connection to the client 104, see col. 6, lines 2-4, lines 41-45), from the data processing apparatus (i.e., client 104), a first search request for a first

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search for network devices, and identification information identifying the data processing apparatus transmitting the first search request (i.e., SNMP request ...providing as set of basic device data that represents basic information about the device ...,see col. 7, lines 57 to col. 8, lines 6, and table 1);

a first searching unit adapted to perform the first search for network devices in response to the first search request received by the first receiving unit (i.e., data collection Engine/a first searching unit coupled/adapted and using a function call that requests the collection engine to collect data from a particular network device and supplies a device name 14 that identifies the network device... see col. 7, lines 10-11, lines 25-30, lines 30-43; col. 13, lines 14-27 );

storage unit adapted to store the device list indicating network devices found by performing the first search (i.e., database 40/storage unit includes a device type table 44 that stores a list of recognized/found device types/first device list ... see col. 8, lines 10-17), the first device list being associated stored in association with identification information identifying the data processing apparatus that transmitted the search request (i.e., device type table 44 store a class identifier for the device, name of the device type, the manufacture of the device and a description of the device... see col. 8, lines 15-20; col. 10, lines 6-15, lines 23-29, Babu);

a second receiving unit adapted to receive, from the data processing apparatus, a second search request for a second search for network devices and identification information identifying the data processing apparatus transmitting the second search request (i.e., requesting the device to supply current values for information defined in

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the MIB sets ... for speed of comparison/second search of old and new values...see col. 12, lines 45-52, Babu);

a second searching unit adapted to perform a second search for network devices in response to the second search request received by the second receiving unit (i.e., Mapping 62 where to store information that is received from a device ...col. 10, lines 24-30, lines 56-65; col. 11, lines 32-41; col. 10, lines , Babu);

obtaining unit adapted to obtain from among device lists stored in the storage unit and using the received identification information as a key, the first device list associated with the received identification information, the first device list indicating a search result provided by the first search unit (i.e., using the device type identifier 16 as a key to the Device type table 44, the device class is obtained from the device class table 46...see col. 12, lines 34-44, Babu);

a comparing unit adapted to compare a second search result provided by the second searching unit with the first search result indicated by the first device list obtained by the obtaining unit (i.e., Chang detection/comparing unit ...detects, records and reports on changes in device information ... see col. 13, lines 30-32, lines 58 to col. 14, lines 10; col. 10, lines 30-44, Babu);

forming unit adapted to specify one or more the network devices found by performing the second search by said second searching unit but not present in the first search result indicated by the first device list obtained by the obtaining unit (i.e., the change detection mechanism 30 updates the device profile table by storing new values for only those MIB set values that have changed... see col. 15, lines 26, Babu);

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Transmitting unit adapted to transmit the second device list formed by the forming unit to the data processing apparatus (i.e., display report 124, see col. 6, lines 49-52; display report such as the change reports summarize with indicated the feature has been added or updated to the device.... col. 15, lines 60 to col. 16, lines 10; col. 17, lines 19-22, lines 27-30, lines 35-38, Babu).

As to claims 3 and 10, Babu teaches wherein the device list formed by the forming unit indicates at least one of information regarding whether printing is possible or not and an error state (i.e., monitor the status of a device in the network such as printers, see col. 1, lines 15-20; col. 7, lines 57- col. 8, lines 6; col. 8, lines 25-42, Babu).

As to claims 4, 7 and 11, Babu teaches wherein the device list formed by the data forming means includes an emphasis mark to emphasize (i.e., the change is marked with the result of the comparison... see col. 15, lines 53-61; col. 17, lines 50-55, Babu).

As to claims 5 and 8, Babu teaches wherein the device list formed by the data forming means includes instruction data for allowing a device icon of the data processing apparatus to be displayed in an updated state (i.e., the change is marked with the result of the comparison... see col. 15, lines 53-61; col. 17, lines 50-55, Babu).

As to claims 15 and 17, Babu teaches wherein the identification information is a network address of the data processing apparatus (i.e., physical address of device see col. 16, table 5, table 6 , Babu).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### **Contact information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. N./

Examiner, Art Unit 2161

/Al Oberley/

Primary Examiner, Art Unit 2100